Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-366

BLINDER ROBINSON & COMPANY, INC.,

Petitioner,

vs.

HALPERT OBERST & COMPANY,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

RESPONDENT'S BRIEF IN OPPOSITION

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RESPONDENT'S BRIEF IN OPPOSITION

Issue Involved

The single issue presented herein is whether petitioner has advanced any ground to justify the issuance of a writ of certiorari in this proceeding.

Reasons for Denying the Writ

1. A reading of the petition filed in this proceeding discloses that none of the reasons advanced by petitioner as the basis for the granting of the writ are contained in Rule 19 of the Rules of the Court relating to considerations governing review on certiorari.

2. The issue now raised by petitioner that the determinations of the lower Courts negated the authority of the National Association of Securities Dealers to file clearing agreements as notice to the securities industry was never presented to those Courts. The trial record discloses no evidence that such agreement was ever filed with any person or group.

3. The case as presented to the District Court below involved fact questions, the principal one being related to the credibility of plaintiff's only witness. In addition, the trial involved the proper application of certain principles found in the law of Agency.

It is submitted that none of the determinations reached by the trial judge and affirmed on appeal furnish grounds upon which to base the issuance of the writ sought by the petitioner.

CONCLUSION

For the foregoing reasons, the Petition for Certiorari should be denied.

Respectfully submitted,

JAMES E. MASTERSON,
Attorney for Respondent.